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SUBJECT: RWANDA PRISON CONDITIONS: WORSENING STEADILY AS  
GACACA CONVICTIONS INCREASE

REF: KIGALI 496

Classified By: Ambassador Michael R. Arietti, reason 1.4 (B/D)

¶1. (C) Polchief and visiting PRM officer called upon International Committee for the Red Cross (ICRC) Chief Pierre Wettach on June 26 to discuss prison conditions in Rwanda. Wettach described a worsening situation in the nation's 16 prisons, due exclusively to the ever-increasing number of genocide convictions issued by Rwanda's gacaca courts. The prisons, with an official capacity of approximately 41,000 prisoners, as of May 31 had 98,000 persons in custody, 80,000 genocide suspects and those convicted of genocide crimes, and 18,000 "regular" prisoners. The prison population had climbed by six thousand since April 30, he indicated, an increase from the previous rate of four thousand new prisoners a month.

¶2. (C) Wettach said that the size of prison population was such that "they are reaching the limits of what they can manage." While in the 1990s, the incarcerated population had approached 130,000, many had been housed in cachots (local police lockups), and the prison system had 18 prisons (two temporary prisons were subsequently closed). "This is the most they have ever had in these 16 prisons," he said. Hygiene and sanitation, potable water, adequate food supplies, all were suffering from the increasing overcrowding.

¶3. (C) Wettach said his office had now written to the government for the third time, formally appealing to it to reduce the prison population. "There is no place to put people," he said. "They are sleeping in the courtyards, in the hallways, in the toilets, in the open air." Further, he said, prison populations are now "sleeping in shifts." While the ICRC continued to assist with hygiene, insecticides, water, and essential maintenance items for a number of prisons, "there comes a point when you cannot help more." For example, he said, even if the GOR brings sufficient food supplies to a prison, "if you lack the space to store it, prepare it, serve it," then you face an unmanageable situation. In four or five prisons, he said, the death rate was above acceptable levels ("acceptable for an African prison," added a staff member), and fears of cholera and typhoid outbreaks were growing.

¶4. (C) The ICRC chief lamented the fact that, immediately before the expansion of the gacaca system from a pilot program to nation-wide adjudication last July, "the Rwandans were doing quite well with their prisons." Enlightened prison management had undertaken a number of important reforms, he said, and the ICRC was very favorably impressed.

"Now," he said, the nation's prisons faced "a wall" of new prisoners from the gacaca system. "Where will they put them?"

15. (C) The gacaca system has been operating under new sentencing guidelines since March 1 (reftel) which increased the use of suspended sentence and TIG (community service). Wettach said the cabinet had just approved a reversal of the normal sentencing practice, where time in prison is followed by TIG or suspended prison time. He understood that new prisoners would serve their suspended sentences and TIG sentences first, and then return to prison to serve out their terms. This would alleviate some of the pressure on the prisons, he noted, "if it is done quickly."

16. (C) Wettach also briefly described the state of the military prison system, which he said was in much better shape. Military intelligence (DMI) maintained two detention facilities, Camp Kami and another facility in Gisenyi, for questioning of arrested suspects. Each was properly used as temporary quarters for accused prisoners, he said, and authorities transferred suspects within a reasonable amount of time to the military's two regular facilities, Mulindi and Kanombe. Mulindi was the main facility, and was properly run. The ICRC had not had access to Kanombe since the beginning of the year (and the arrival of a new facility commander), but had received no reports of abuses there. "They have really gotten much better," he said. For example, he said, several years ago there were reports of beatings and other abuses at the DMI facilities, but "that is in the past."

17. (C) Comment. As the prison population mounts, the GOR is under increasing pressure to use creative sentencing for gacaca convicts. We have reported earlier on draft plans to increase the use of suspended sentences and TIG above and

beyond the March 1 sentencing reforms (reftel). Reversing the normal order of serving one's sentence is another potential although partial solution. Just over half the 818,000 registered genocide cases have been heard -- while some of the remaining cases involve property crimes that require no custodial sentences, there are still several hundred thousand cases to be heard, for those accused of murder and other violent crimes. They all will be judged; many will be found guilty; compromises must be found in administering punishment. End comment.

ARIETTI